

# STATE OF NEW YORK

7344

## IN SENATE

January 8, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to enacting "the toll payer protection act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "the toll payer  
2 protection act."

3 § 2. The general business law is amended by adding a new section 399-  
4 zzzzz to read as follows:

5 § 399-zzzzz. Toll payer protection act. 1. Any person, firm, corpo-  
6 ration, or other entity who is charged with the payment of a cashless  
7 toll fee in the state of New York shall have the option to be notified  
8 by text message or electronic mail that such fee has been so charged,  
9 the entity to which such fee must be paid, and the date by when such fee  
10 must be paid, no more than fourteen days following the time such fee has  
11 been incurred, or no more than thirty days if notified by mail. The  
12 thruway authority shall create an online method by which any person can  
13 register for text message alerts or electronic mail for a fee notifica-  
14 tion as well an electronic payment option.

15 2. Any person, firm, corporation, or other entity who is charged with  
16 the payment of a toll fee in the state of New York shall be entitled to  
17 dispute such fee and any related penalties incurred. The commissioner of  
18 motor vehicles shall promulgate rules and regulations for the adjudi-  
19 cation of such disputes within one hundred twenty days after the effec-  
20 tive date of this section.

21 3. Any person, firm, corporation, or other entity who is charged with  
22 the payment of a toll fee in the state of New York shall be entitled to  
23 establish a payment plan for the payment of such fee and any related  
24 penalties. The commissioner of motor vehicles shall promulgate rules  
25 and regulations for the establishment of such payment plan within one  
26 hundred twenty days after the effective date of this section.

27 4. Any person, firm, corporation, or other entity who is charged with  
28 the payment of a toll fee in the state of New York shall be entitled to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 review records which directly prompted the issuance of such fee. Such  
2 persons shall also be entitled to review records which prompted the  
3 issuance of any late fees or charges.

4 5. Any toll fee that will be charged for the usage of any bridge,  
5 tunnel, road, or any other entity shall be displayed conspicuously and  
6 prominently on signage of a reasonable size in a manner reasonably  
7 calculated to provide ample and adequate notice. In addition, any penal-  
8 ties for non-payment or late payment of such fee shall be displayed in  
9 the same manner.

10 6. If the non-payment or late payment of a toll fee shall subject a  
11 licenseholder's drivers license to suspension, the licenseholder shall  
12 be entitled to notice by certified mail that such suspension may occur  
13 if payment is not made thirty days before such suspension shall be  
14 effective.

15 7. No excessive fee shall be charged for non-payment or late payment  
16 of a toll fee and if the aggregate amount of any such fees for non-pay-  
17 ment or late payment of a toll fee charged to one vehicle registration  
18 reaches one thousand dollars, the license holder shall be notified by  
19 certified mail that such a fee has been reached.

20 8. No fees for late payment of a toll fee shall be assessed against a  
21 vehicle registration if the bill for such toll fee was found to have not  
22 been sent to the holder of such registration by certified mail or to  
23 have been postmarked more than thirty-one days after such toll fee has  
24 been incurred.

25 9. EZPass holders shall be charged the EZPass rate in the event the  
26 EZPass holder crosses a toll when their EZPass account has insufficient  
27 funds.

28 10. Any bill sent for any toll fee incurred shall itemize the date,  
29 time, location, license plate number, and vehicle registration number  
30 for which said toll fee was incurred.

31 § 3. This act shall take effect on the one hundred twentieth day after  
32 it shall have become a law.